

REMARKS

Claims 1-2 and 8-21 are pending in the case. In his thoughtful examination the Examiner applied the Uddin patent '431 and Kottenceau '612, both alone and together, as anticipating and rendering obvious claims presented in the last amendment.

Consistent with the election of species the Applicant has substantially narrowed the claims to cover those embodiments which pinch the ostium of the left atrial appendage between an internal frame and an external frame. The frames have hub areas that are introduced as claim limitations in the independent claims. The number of hub areas are not found in either of the applied reference, which have at best one hub area (see for example Fig. 5 of the '431 patent). In several claims, additional limitations are introduced that relate the structural elements to the human anatomy and require that the ostium be trapped or pinched as seen best in Fig. 100. This method of sealing and/or attachment is not present in the applied references.

Applicant respectfully requests the Examiner reevaluate the patentability of the narrowed claims in light of these remarks.

A Power of Attorney has been filed in the case and the Applicant's Attorney offers to file a Terminal Disclaimer in the event that a double patenting rejection is maintained. However, the Applicant respectfully requests reconsideration of the double-patenting rejection based upon the substantially narrower claims presented with this amendment.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By its attorneys:

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